

STATE OF TENNESSEE

Office of the Attorney General



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September 6, 2002

Sara Kyle, Chairman
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243-0505

Re: Petition of Chattanooga Gas Company
for Approval of Change in Purchase
Gas Adjustment, Docket No. 02-00383

Dear Sara:

Enclosed is the original and fourteen copies of the Consumer Advocate and Protection Division's Motion to Suspend and Deny Chattanooga Gas Company's Experimental Tariff in the above-referenced matter. Copies are being furnished to counsel of record for interested parties.

Sincerely,

Vance L. Broemel

VANCE L. BROEMEL
Assistant Attorney General

cc: Counsel of Record

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BEFORE THE TENNESSEE REGULATORY AUTHORITY
AT NASHVILLE, TENNESSEE

IN RE:

PETITION OF CHATTANOOGA GAS
COMPANY FOR APPROVAL OF CHANGE
IN PURCHASE GAS ADJUSTMENT

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DOCKET NO. 02-00383

CONSUMER ADVOCATE AND PROTECTION DIVISION'S
MOTION TO SUSPEND AND DENY CHATTANOOGA GAS
COMPANY'S EXPERIMENTAL TARIFF

The purpose of this motion is to request the Tennessee Regulatory Authority ("TRA") to suspend and then deny the Experimental Fixed Rate PGA Rider Tariff filed by Chattanooga Gas Company ("Chattanooga Gas") in this docket.

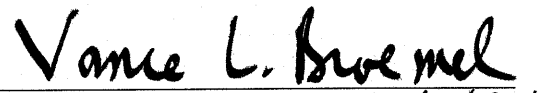
On August 30, 2002, Chattanooga Gas filed its "pro forma fixed rate PGA calculation which is filed pursuant to Chattanooga Gas Company's Experimental Fixed Rate PGA Rider issued on April 9, 2002 and revised by filing on May 9, 2002." See letter of August 30, 2002 from Chattanooga Gas at page 1. The purpose of this filing of August 30, 2002 was to make the "Fixed Rate PGA" tariff, which is at issue in this docket, effective. The TRA, however, should not allow the tariff to become effective, but instead should first suspend it and deny it as recommended by Hearing Officer Richard Collier.

A hearing before Richard Collier, acting as Hearing Officer, was held on May 28, 2002 on the fixed rate PGA. On August 30, 2002, Mr. Collier issued his Initial Order of Hearing Officer on the merits in which he denied the proposed tariff. To allow the tariff at issue to

become effective before the TRA can act on the Hearing Officer's Order denying the tariff would make a mockery of the TRA procedure.

Furthermore, Chattanooga Gas has previously agreed that the tariff should be suspended. See page 23 of Transcript of Pre-Hearing Conference, May 7, 2002, attached to Chattanooga Gas Company's August 30, 2002 filing.

In light of the Hearing Officer's Order denying the tariff, the Consumer Advocate and Protection Division urges the TRA to suspend the fixed rate PGA tariff until the TRA acts on the Hearing Officer's Order, at which time, the TRA should deny the tariff. In no event should the TRA allow the fixed rate PGA to automatically become effective as requested by Chattanooga Gas.

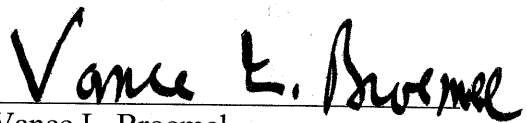

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CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of September, 2002, a copy of the foregoing document was served on the following party:

D. Billye Sanders, Esq.
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Vance L. Broemel
Assistant Attorney General

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